

Appl. No. 09/518,699  
Amendment Dated January 6, 2004  
Reply to Office Action of October 6, 2003

REMARKS/ARGUMENTS

Pursuant to the Examiner's rejection of Claims 1 through 42 in the Office Action of October 6, 2003, Applicant respectfully requests reconsideration for allowance of Claims 1 through 42 for the cogent reasons set forth hereinbelow.

In the Office Action the Examiner rejected Claims 1 through 42 under 35 U.S.C. 103(a) as being unpatentable in view of the teaching of U.S. Patent 5,794,210 to Goldhaber et al. The Examiner states that the Goldhaber et al. reference discloses a method of targeting confidential "intellectual property" by providing a consumer station (computer) 104, an industry station (software agent 110) and a financial clearing-house station 108 that may send survey information. The Examiner further has indicated that the reference does not explicitly disclose a host station but that it would appear inherent that the clearinghouse station 108 should function as a host station to determine interest in the selected "intellectual property" of Goldhaber et al. The Examiner further states that it is considered obvious to one of ordinary skill in the art to provide the clearinghouse station to function as a host station as set forth in Applicant's claims.

Applicant respectfully submits that the Goldhaber et al. reference fails to suggest or make obvious to one of ordinary skill in the art the methods set forth in independent Claims 1 and 18 and the claims dependent thereon or the system set forth in independent Claim 25 and the claims dependent thereon, or the system set forth in independent Claim 42. Firstly, the Goldhaber et al. reference is directed to a substantially different system and method of utilizing computers and a network interconnecting the computers for the exchange of information. Goldhaber et al. is directed to a system of communicating advertising information regarding an advertiser's products and/or services more directly to a potential consumer than the conventional method of advertising such as through print media, television or radio, for example. The system and method

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contemplated by Goldhaber et al. provides for so-called "negative pricing" of advertising information by giving a consumer an incentive to read an advertisement by transferring some form of compensation either real or so-called "digital" cash to a consumer's account, the records of which are kept on a clearinghouse computer or station 108 of Goldhaber et al. The system and method of Goldhaber et al. also contemplates that consumers or viewers may enter a demographic profile into a routing computer 106 so that advertisers may target specific groups of potential consumers using the profile data to present their advertising via the computer 106 to the consumers' computers 104. Consumers may use the "digital cash" in their accounts (the records of which are kept on the computer 108) to obtain additional information from the system, such as specific information regarding comparative data for products and services, and/or information regarding the latest developments in a particular field of subject matter (information regarding developments in certain medical treatments, for example).

Accordingly, Goldhaber et al. is directed to an entirely different methodology and system for providing the exchange of information than that which is contemplated by Applicant's invention and as reflected in Claims 1, 18, 25 and 42 and the claims depending from Claims 1, 18 and 25, respectively. The steps of the methods of Claims 1 and 18 of Applicant's invention and the claims dependent thereon and the system components and their functions as set forth in Claims 25 and 42 and the claims depending on Claim 25 are entirely different from the negative pricing of advertising as set forth in the Goldhaber et al. reference. Applicant respectfully submits that a method and system which provides for the promotion of intellectual property by allowing potential consumers of products and services to view intellectual property items in a database, send survey information of the selected intellectual property item(s) to a host station indicating the degree of interest or desirability of the product or service by the consumer, and then provides

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access to the survey information from an industry station to allow a potential manufacturer or service provider to determine the level of interest in the selected intellectual property item(s) based on survey information, is clearly substantially different from the negative pricing advertising method and system of Goldhaber et al.

Computers which are interconnected via a network are so connected to transmit information. However, neither Goldhaber et al. nor any of the other prior art of record in this application contemplate a method including the steps of providing a host station having a database of a plurality of intellectual property items and a description of each thereon, permitting access to the database of intellectual property items including access to the property item description, sending survey information to the host station indicative of the potential consumer's interest in the intellectual property item and then providing for access to the survey information from an industry station (an entity having an interest in producing or providing a service connected with the intellectual property item) to determine the level of interest in the selected intellectual property item(s) so that a decision can be made as to whether or not to obtain access to the item for manufacture or other commercial use.

Accordingly, the method steps set forth in Applicant's Claim 1 are clearly not present in nor suggested by Goldhaber et al. The subject matter of Claim 1 is entirely different from the advertising system of Goldhaber et al. which targets particular potential consumers by purveyors of certain goods and services and pays the consumers to view their advertisements and wherein the consumers may use the payments to obtain other information. The concept and methodology and system of Goldhaber et al. are substantially different from the method and system for promoting intellectual property according to Applicant's claims. Applicant respectfully submits that Goldhaber et al. fails to make obvious the overall combination

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of steps of Applicant's Claim 1 and reconsideration for allowance of Claim 1 is respectfully requested.

Claims 2 through 17 remain in the application dependent on Claim 1 and are believed to be patentable at least for the reasons set forth above in support of the patentability of Claim 1. With regard to Claims 2 through 4, for example, Goldhaber et al. does not contemplate or suggest summing survey information including information reflective of consumers' desires to purchase a selected intellectual property item that has been viewed by the consumers.

With regard to Claim 8, Goldhaber et al. does not suggest that a common feature of subject matter classification is one of the Standard Industrial Classification Code or a North American Industry Classification System Code.

With regard to Claims 9 through 14, Applicant respectfully submits that Goldhaber et al. does not disclose, suggest or make obvious the steps of sending from a customer station to the host station intellectual property data representative of an intellectual property item at least partially held by a customer of the intellectual property system at a customer station and for inclusion in the database of the host station. Goldhaber et al. also fails to suggest or make obvious the steps of providing confidential information regarding an intellectual property item to be viewed only by an industry station interested in commercial exploitation of the intellectual property item.

With regard to Claims 16 and 17, Applicant respectfully submits that Goldhaber et al. does not contemplate or make obvious the steps of providing a general information item viewable by the consumer station and at least one confidential information item viewable by an industry station. Reconsideration for allowance of Claims 2 through 17 is respectfully requested.

Independent Claim 18 and Claims 19 through 24, dependent thereon, respectively, are believed to distinguish patentably over Goldhaber et al. Goldhaber et al. does not contemplate a

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method of promoting intellectual property online which includes the steps of providing a description of an intellectual property item in a database of a host station, together with the steps of selecting the intellectual property item by a consumer station, viewing the selected item, selecting the intellectual property item by an industry station and viewing at least one confidential description associated with the selected intellectual property item in an arrangement where the confidential description item is unavailable for viewing by a consumer station. This combination of steps is clearly missing from and not suggested by the totally different methodology of Goldhaber et al. et al. As pointed out hereinabove, the concept of Applicant's invention and the teaching of Goldhaber et al. are substantially different, thus the methodologies are different and the methodology for promoting intellectual property online is clearly not suggested by nor made obvious by Goldhaber et al.

Goldhaber et al. does not contemplate providing a host station with a plurality of intellectual property items including information which includes a general description and a confidential description and wherein the general description of the intellectual property item is available to a consumer station connected to the host station and the confidential description item is viewable by an industry station but is unavailable for view by the consumer station. Applicant respectfully submits that the Examiner's characterization of the clearinghouse station 108 of Goldhaber et al. as a host station is in error. The clearinghouse station 108 of Goldhaber et al. is primarily provided to perform an accounting function whereby consumers are credited with payments for viewing advertising or are debited in instances where the consumers seek other types of information available on the system of Goldhaber et al. Applicant respectfully submits that Goldhaber et al. clearly does not suggest or make obvious to one of ordinary skill in the art of methods or systems for promoting intellectual property,

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the overall combination of steps set forth in Claim 18 and reconsideration for allowance of this claim and the claims dependent thereon is also respectfully requested.

Reconsideration for allowance of Claims 19 through 24 is requested at least for the reasons set forth above in support of the patentability of Claim 18. With regard to Claims 19 through 21, Goldhaber et al. does not contemplate providing feedback data from consumer stations to the host station and permitting access to the feedback data from an industry station to determine the degree of consumer interest in a selected intellectual property item based on consumer survey information. With regard to Claims 22 and 23, Goldhaber et al. does not disclose, suggest or provide the equivalent of an industry station and the steps of searching by an industry station a desired grouping of intellectual property items having at least one common feature prior to selection of an intellectual property item.

With regard to Claim 24, Goldhaber et al. does not contemplate, nor suggest, nor make obvious the step of selectively releasing a confidential description item associated with a particular intellectual property item at a host station for view by a consumer station.

Applicant requests reconsideration for allowance of Claims 25 through 41 for the reasons set forth above in support of the patentability of Claims 1 and 18 and the claims dependent thereon. Goldhaber et al. does not suggest, with respect to Claim 25, providing a host station having a database with a plurality of intellectual property items, including a description of each, or means for selecting intellectual property items by a consumer station and an industry station, respectively, or means for sending feedback data from the consumer station to the host station which includes survey information, or means for accessing the feedback data from an industry station to allow the industry station to determine the

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degree of consumer interest in a selected intellectual property item based on survey information.

With regard to the claims depending from Claim 25 these claims are believed to be patentable at least for the reasons set forth in support of the patentability of Claim 25. However, in particular, with regard to Claims 33 through 38, for example, Goldhaber et al. clearly does not include, nor contemplate, nor make obvious means for sending from a customer station of the processor based system to the host station intellectual property data for a particular intellectual property item held by a customer of the system, nor is there any equivalent to this overall combination of features of Claims 25 and 33 through 38 present in Goldhaber et al.

With regard to Claims 40 and 41, depending from Claim 25, Goldhaber et al. fails to suggest the provision of descriptions of an intellectual property item which include a general description or general information item viewable by a consumer station and a confidential information item viewable by an industry station.

Lastly, Applicant requests reconsideration for allowance of Claim 42 as being patentably distinguishable over the teaching of Goldhaber et al. Claim 42 requires a processor based system for the promotion of intellectual property including a host station having a database which includes plural intellectual property items and a description of each item, the description including a general description item and a confidential description item, together with provision in the system for viewing the general description item by a consumer station, viewing a confidential description item from an industry station and which is unavailable for view by the consumer station. Goldhaber et al. completely fails to suggest or make obvious such a system. Reconsideration for allowance of Claim 42 is requested.

Applicant has made a further diligent effort to advance the prosecution of this application by pointing out herein with

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particularity how the claims now presented in this application are not believed to be made obvious to one of ordinary skill in the art by the teaching or suggestion of the Goldhaber et al. reference. Reconsideration for allowance of Claims 1 through 42 is therefore respectfully solicited.

Respectfully submitted,

Date: 1/06/04

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